

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

VS.

NO. 4:18-CV-0417 SOH

CORRECT CARE SOLUTIONS, LLC,
DR. LORENE LOMAX, DR MIMO LEMDJA,
KIMBERLY HOFMANN, LENORA PHILSON,
KINDALL SMITH, DIANE CUNNINGHAM,
MELISSA STONER, STEVE ARNOLD

DEFENDANTS

ORAL DEPOSITION

OF

KIMBERLY HOFMANN

TAKEN NOVEMBER 15, 2018, AT 1:00 P.M.

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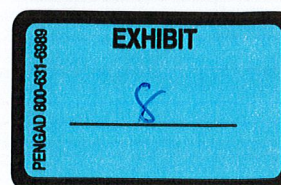
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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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ON BEHALF OF THE DEFENDANTS:

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C A P T I O N

ANSWERS AND ORAL DEPOSITION OF **KIMBERLY HOFMANN**, a witness
produced at the request of the Plaintiff, taken in the
above-styled and numbered cause on the 15th day of November,
2018, at 1:00 p.m., at the offices of the Arkansas Attorney
General's Office, 323 Center Street, Suite 200, Little Rock,
Arkansas, pursuant to the Federal Rules of Civil Procedure.

P R O C E E D I N G S

THEREUPON,

KIMBERLY HOFMANN,

THE WITNESS HEREINBEFORE NAMED, having
been first duly cautioned and sworn by me
to testify to the truth, the whole truth,
and nothing but the truth, testified on her
oath as follows, to-wit:

EXAMINATION

BY MR. FRANSEEN:

Q State your name for the record.

A Kimberly Hofmann.

Q And where are you currently employed?

A I am employed with Correct Care Solutions, which has
recently become Wellpath, as a regional manager.

Q When did that name change occur?

A I was made aware of it on October 29th.

Q Do you know if they were bought or just changed their name
or --

A It was a merger.

Q Okay. So they merged with the other company?

A Two companies merged together to form the new company,
Wellpath.

Q Oh, okay. Do you know what the other company was?

A I do not recall.

1 Q Okay. Do you know if it was called Wellpath, or a
2 different name?

3 A Different name.

4 Q Do you know if there was a reason why the merger occurred?

5 A No.

6 Q What is your current position with Correct -- or with
7 Wellpath, I guess?

8 A Regional manager.

9 Q And how long have you been in that position?

10 A I have been a regional manager with the company since
11 2012. I have been in Arkansas since 2014.

12 Q When did you start with Correct Care Solutions?

13 A September 1st, 2005.

14 Q What was your position when you first started there?

15 A I was a medical records clerk.

16 Q And how long were you in that position?

17 A Until I became assistant administrator in 2008.

18 Q How long were you in that position?

19 A Approximately, two years.

20 Q And where did you go to after being the assistant
21 administrator?

22 A The health service administrator.

23 Q And would that have occurred in around 2010?

24 A Correct.

25 Q How long were you in that role?

1 A Until I promoted to regional manager in July of 2012.

2 Q And you've been in that position -- you're currently in
3 that position?

4 A Correct.

5 Q And so in February of 2016, were you the regional manager?

6 A Correct.

7 Q What are you're -- what's your -- in February of 2016,
8 what was your role as far as it related to the Texarkana
9 facility, the Southwest Arkansas Community Correction facility?

10 A I was the regional manager, so my main position there, or
11 role, is to make sure that we follow policy and procedure to
12 provide adequate medical care to the inmate population by doing
13 so.

14 Q Do you ever recall being asked any questions about the
15 appropriate policy and procedure for any care or treatment
16 regarding Craig Shipp?

17 A I recall being asked questions about the individual and
18 his tennis shoes and his foot condition, I guess, yes.

19 Q His orthotic shoes?

20 A Yes.

21 Q Okay. Do you know whether by the -- do you know what date
22 you were first -- you first became aware of an issue with the
23 orthotic shoes?

24 A I know that it was sometime in February of 2016.

25 Q And then you would have been contacted regarding that?

1 A Yes.

2 Q Do you know if it was in the first part of February or the
3 later part of February?

4 A Probably towards the middle of the month.

5 Q Who contacted you regarding that?

6 A The health service administrator, Ms. Philson, Ms. Turner
7 at that time.

8 Q Okay. Just for the record, Ms. Turner is now married and
9 is Ms. Philson?

10 A Correct.

11 Q And do you recall -- how did she communicate with you
12 something about Mr. Shipp's shoes?

13 A I received an email. We may have also talked on the phone
14 about it.

15 Q Do you think you would have talked on the phone the same
16 day you received the email?

17 A I couldn't say.

18 Q Do you know whether a doctor had already seen Mr. Shipp by
19 the time you became involved?

20 A Yes.

21 Q Had a doctor already approved the orthotics as being
22 medically necessary for Mr. Shipp?

23 A She documented that they -- that we needed to get him
24 shoes, yes.

25 Q Do you recall which doctor that was?

1 A I believe it was Dr. Lomax.

2 Q Did you receive any communication regarding Ms. Lemdja's
3 care of Mr. Shipp?

4 A Not that I recall.

5 Q Did you have any supervisor roles over Dr. Lomax or Dr.
6 Lemdja?

7 A As far as an operational side, not clinical.

8 Q Did Warden Arnold ever reach out to you regarding any
9 policies or procedures as they related to Mr. Shipp's orthotic
10 shoes?

11 A I know that we corresponded with him to get approval to
12 have his shoes submitted -- or sent to the facility. I don't
13 remember that I've had -- I don't remember having a
14 conversation in regards to the shoes.

15 Q Would that have been -- the correspondence, would that
16 have been the same correspondence after Ms. Turner contacted
17 you?

18 A Yes. I believe my directions to Ms. Turner were to notify
19 Warden Arnold to see if we could get approval from him to have
20 his shoes sent into the facility.

21 Q What is your understanding as the appropriate policy and
22 procedures when an inmate has outside prescribed medical
23 devices?

24 A In the past, if they -- if we're made aware that they have
25 something that our providers feel they would benefit from or

1 that they need, we have worked with the warden to see if those
2 can be sent in. We have been given permission to do that in
3 the past, that's why I instructed her -- or Ms. Philson to
4 correspond with him to see if we could get that same
5 permission. Otherwise, if we're not allowed to, we would send
6 them through our offsite specialty consult process, which is an
7 ADC policy.

8 Q So you can either go through the warden or go through the
9 outside process?

10 A Yes. I guess so, yes.

11 Q Have any wardens ever contacted the medical providers if
12 an inmate tells them that they need orthotic shoes, as far as
13 you getting that care coordinated?

14 A I can't say offhand whether that has happened or not
15 happened.

16 Q Is it a regular occurrence that an inmate will ask for a
17 personal medical device to be brought into a facility?

18 A This probably isn't the first time that we've had somebody
19 ask us for something. Whether or not it's deemed necessary for
20 them to have would be, you know, up to the provider that's
21 seeing them. I do -- I can't speak to what correspondence
22 inmates have with wardens about asking to have things brought
23 in.

24 Q Do you have any role in hiring nurses or doctor staff at
25 the Texarkana facility?

1 the performance of a doctor?

2 A Yes.

3 Q Does he make any decisions on whether to reprimand them or
4 write them up?

5 A He can, yes.

6 Q And are you involved in those decisions or is that
7 relegated to him?

8 A That's a clinical decision.

9 Q Yeah. Did you assist in answering any of the
10 interrogatories or requests for productions on behalf of
11 Correct Care Solutions?

12 A Yes.

13 MS. ODUM: Wait. You said CCS.

14 MR. FRANSEEN: Yes.

15 MS. ODUM: I think she's thinking of the ones I
16 just sent her that you sent me.

17 MR. FRANSEEN: Oh, okay.

18 Q (By Mr. Franseen) These other ones were filled out back
19 in August. Do you think you had any role in filling out those?

20 A No.

21 Q Do you know why -- is it CCS -- or in your -- strike that.
22 In your experience, is CCS directed to go through the
23 warden to get outside medical devices at the Texarkana facility
24 approved?

25 A If our medical providers deem that a product is needed or

1 medically necessary for an inmate, they can go through the
2 warden. If they believe the person already has the device and
3 that's going to be a quicker turnaround time, they can try to
4 do that. Otherwise, they would send them through our offsite
5 consult process.

6 Q And if it is quicker to get the device that they already
7 have in, let's say, a family's possession, is it the policy and
8 procedure to go that route versus delaying it through an
9 outside provider?

10 A We would attempt, but we can't make that determination
11 whether or not it's going to be allowed into the unit for
12 safety and security reasons. That's why we go through the
13 warden. If they deem that such device is not something that
14 they want in the facility and they want us to send them out,
15 then that's what we will do.

16 Q Who is in charge of coordinating with the warden on
17 whether a decision on a medical device is approved or not?

18 A From a medical standpoint, we would just simply -- the HSA
19 or myself in conjunction would ask the warden.

20 Q And as far as staff members, what's the policy and
21 procedure -- if a staff member is approached by an inmate
22 regarding a medical device, what does the staff member do to go
23 up the chain of command?

24 A They should start at their chain of command, which would
25 be Ms. Turner, the HSA.

1 Q So the day someone becomes aware of someone needing a
2 medical device or asking for a medical device, they should be
3 notifying Ms. Turner?

4 A Yes.

5 Q And that would apply to each medical provider each time
6 they become aware that the inmate is asking for this device and
7 has not received it?

8 A Inmate asking and inmate needing are two different things.
9 If it's been deemed medically necessary by a provider and it's
10 been decided that they need that, then it would be our
11 responsibility to get that item. If a patient is asking us for
12 something that has not been deemed a medical necessity, then we
13 would not pursue getting that item.

14 Q And who is the provider you're referring to as far as
15 deeming whether it's necessary or not?

16 A The provider at the unit.

17 Q One of the doctors on staff?

18 A Correct.

19 Q And is that limited to any doctor on the staff, or can any
20 doctor make that decision?

21 A Any doctor that has seen the patient at the unit would be
22 able to recommend -- make any recommendations they see fit.

23 Q Does CCS assign a specific doctor to each inmate?

24 A No.

25 Q So you wouldn't expect a doctor to say, "I'm not the one

1 that date?

2 A They should make a determination.

3 Q And they should make that determination as quick as
4 possible?

5 A Ideally, yes.

6 Q Okay. They shouldn't pass the buck to someone else,
7 should they?

8 A I would say no.

9 Q Can a nurse approve orthotic shoes?

10 A No. That must be done by a provider.

11 Q Okay. And even if a nurse is told by a provider that
12 these might be necessary, the nurse can't fill out the
13 appropriate paper work to get that approved?

14 A Correct. It has to be assessed by a provider.

15 Q Do you have any medical training or certificates?

16 A No, I do not.

17 Q Do you know whether CCS is required to hire nurses that
18 are -- have current licenses, let's say, an LPN?

19 A Correct. I mean, if we hire -- if we're interviewing for
20 an LPN position and an LPN applies, they must have a current
21 licenses at that time, and then going forward, they must keep
22 their credentialing.

23 Q And how do you review whether they have a current licences
24 or not?

25 A We can pull that from the State Board of Nursing.

1 Q Okay. On anything that might relate to a security issue,
2 she would defer to the warden?

3 A Yes.

4 Q If the warden forwards Ms. Turner an inmate requesting
5 orthotic shoes, should Ms. Turner do anything as far as
6 coordinating a visit between an inmate and a doctor?

7 A I think the first step would be to probably review who he
8 has been seen by. If he hasn't been seen by a provider, then,
9 yes, that would be an option, have him see a nurse first, do a
10 chart review, those types of things.

11 Q So you would expect her, if that comes across her desk, to
12 do a chart review of the inmate?

13 A I would take a look at it, definitely.

14 Q And if she -- if the inmate has already seen medical on
15 several occasions prior to that, should the HSA be looking into
16 that instance further as far as coordinating an appropriate
17 response?

18 A Yes. Yeah, I would say so.

19 Q Should -- would writing a note saying, "Please fill out a
20 medical request," be sufficient to coordinate that response?

21 A I guess it would depend on what the visits prior to that
22 were in regards to. That is the policy and procedure that, if
23 they're seeking medical attention, we have sick call policy
24 that they are to follow, and so we try to get people to abide
25 by that policy as much as possible.

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MR. FRANSEEN: We're off the record.

(WHEREUPON, the proceedings were concluded in
the matter at 1:27 p.m.)

(WITNESS EXCUSED)

C E R T I F I C A T E

STATE OF ARKANSAS)

) ss

COUNTY OF FAULKNER)

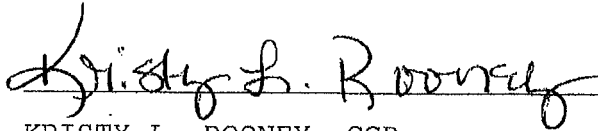
I, KRISTY L. ROONEY, Certified Court Reporter #529, does hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

KIMBERLY HOFMANN

25

WITNESS MY HAND AND SEAL this 5th day of December, 2018.



KRISTY L. ROONEY, CCR

Certified Court Reporter #529